



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Ad Standards Limited  
ACN 084 452 666

## Case Report

<b>1. Case Number :</b>	<b>0019-20</b>
<b>2. Advertiser :</b>	<b>LTD Rentals</b>
<b>3. Product :</b>	<b>Automotive</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>22-Jan-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld - Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a group of elderly people being herded towards a bus by a man on a horse with a whip.

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*Treating the elderly like cattle. Denegrating, humiliating, disrespectful and targeted discrimination based on age.*

*Are you serious??? How disrespectful is this? I am almost 70 and find this an appalling representation of who I am and thy genre.*

*And, as a matter of interest, I am an ex owner of a very successful advertising agency so I am aware of the boundaries that should never be crossed.*

### THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*People gathering to travel to their next day out destination. Truck gets loaded beside a ute to show difference ease of moving. We believe both sketches show people being active and enjoying life !*



*We All had a great day with morning tea supplied and I will send a comment of one of the movie stars on the day.*

*I can not see how this advert discriminates against age? If anything it shows an active group enjoying a day out !*

## **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is denigrating, humiliating, disrespectful and discriminatory towards the elderly.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel further noted the Practice Note which provides:

"A negative depiction of a group of people in society may be found to breach section 2.1, even if humour is used. The depiction will be regarded as a breach, if a negative impression is created by the imagery and language used in the advertisement".

The Panel noted that it had previously considered an advertisement which contained the phrase "is your property manager a grumpy old cow? Relax, nice ones do exist". In that case:

"The Board noted that the advertisement referred to the woman being depicted as a 'grumpy old cow'. The Board considered that the stereotype of an older woman being grumpy is a negative one. The Board noted the advertiser's response that the word 'cow' is in the dictionary as 'unpleasant or disliked woman', and considered that the use in conjunction with the image of an older female is demeaning and that the use of the word 'cow' is also negative and is degrading to women. The Board considered that referring to someone as a 'grumpy old cow' was using a negative stereotype of older women and that that this stereotype was vilifying the woman on the basis of age."



In the current case, the Panel considered that the advertisement is clearly suggesting that the elderly people depicted are cattle that are being herded in different directions to get on the bus. The Panel considered that although some members of the community may find the advertisement to be humorous, the clear display of older people being herded like cattle demonstrates less favourable treatment, and does incite ridicule of the elderly people in the advertisement.

The Panel considered that the advertisement did depict material in a way which discriminates against or vilifies a person or section of the community on account of age and determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement did breach Section 2.1 of the Code the Panel upheld the complaints.

#### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

The advertiser has not provided a response to the Panel's determination. ClearAds has confirmed that the ClearAds number for this advertisement has expired.